

# SENATE BILL REPORT

## SB 5236

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As Reported By Senate Committee On:  
Human Services & Corrections, March 2, 1999  
Ways & Means, March 8, 1999

**Title:** An act relating to retention of records pertaining to sexually violent offenses.

**Brief Description:** Requiring the retention of records pertaining to sexually violent offenses.

**Sponsors:** Senators Hargrove, Long, Horn, Haugen, Zarelli, Stevens, Kline, Gardner, McCaslin, Franklin, Roach, Thibaudeau, Rossi, Oke, Winsley, Costa and Benton; by request of Department of Corrections.

**Brief History:**

**Committee Activity:** Human Services & Corrections: 3/2/99 [DPS-WM].  
Ways & Means: 3/5/99, 3/8/99 [DP2S].

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### SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

**Majority Report:** That Substitute Senate Bill No. 5236 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Patterson, Sheahan, Stevens and Zarelli.

**Staff:** Aldo Melchiori (786-7439)

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### SENATE COMMITTEE ON WAYS & MEANS

**Majority Report:** That Second Substitute Senate Bill No. 5236 be substituted therefor, and the second substitute bill do pass.

Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Honeyford, Kline, Kohl-Welles, Long, McDonald, Rasmussen, Roach, Rossi, B. Sheldon, Snyder, Spanel, Winsley, Wojahn and Zarelli.

**Staff:** Bryon Moore (786-7826)

**Background:** The End of Sentence Review Committee is responsible for ensuring that all sex offenders are reviewed prior to their release from the Department of Corrections. The committee determines if the offender should be referred to a prosecuting attorney as a potentially sexually violent predator. Determining whether an offender has acted in a predatory manner can be hampered by the absence of information regarding prior convictions.

Generally, public records are open for public inspection and copying. Official public records are not destroyed unless: (1) the records are more than six years old, (2) the department

shows that retention for six years is both unnecessary and uneconomical, or (3) the records have been reproduced and preserved in a process approved by the State Archivist.

**Summary of Second Substitute Bill:** Records of investigative reports pertaining to sexually violent offenses are not destroyed. These records are transferred to the Washington Association of Sheriffs and Police Chiefs for permanent electronic retention and retrieval. These documents are no longer public records and are exempt from public disclosure. The records may be disseminated to criminal justice agencies for the sole purpose of determining if a sex offender meets the criteria of a sexually violent predator.

**Second Substitute Bill Compared to Substitute Bill:** The statutory reference for the investigative reports of sexually violent offenses to be transferred is changed from RCW 9A.44 to RCW 71.09.020. This is where sexually violent offenses are defined in statute.

**Substitute Bill Compared to Original Bill:** The original bill was not considered.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** Access to this information will help ensure public safety. Records can show a pattern of escalating behavior posing a significant threat to the public. Funding is included in the Governor's budget and the Washington Association of Sheriffs and Police Chiefs will implement the bill within this funding.

**Testimony Against:** None.

**Testified:** PRO: Susan Kinsinger, DOC; Suzanne Brown, Washington Coalition of Sexual Assault Programs; Debbie Wilke, Washington Association of County Officials; Patria Robinson-Martin, DOC; Larry Erickson, Washington Association of Sheriffs and Police Chiefs.